IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Tr.P(C).No. 195 of 2007()

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OPHMA.423/2006 of FAMILY COURT,KOLLAM

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PETITIONER

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G.GAYATHRI, AGED 30 YEARS,
D/O.BALAKRISHNA KARTHA, KUTTANAPPALLIL HOUSE,
VENNALA, KOCHI 682028, NOW WORKING AS SOFTWARE
ENGINEER, SASKEN COMMUNICATION TECHNOLOGIES
LIMITED, BAGHMANE TECHPARIN, C.V.RAMAN NAGAR,
BANGALORE.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.SAJI SANKARAN NAIR

RESPONDENTS:

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K.G.KRISHNAKUMAR, S/O.GOPINATH PILLAI,
CHEPPALLIL EDAVANESSERIL, MYNAGAPPALLY P.O.,
KOLLAM - 690 519.

BY ADV. SRI.DILEEP P.PILLAI
SRI.S.SAIJU

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**HARUN-UL-RASHID, J.**

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**Tr.P (C) No. 195 of 2007**

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**Dated this the 7th day of November 2007**

**ORDER**

The request for transfer of O.P (HMA) No.423/2006 on the file of the Family Court Kollam to the file of the Family court Ernakulam was made at the instance of the respondent in said O.P who is the wife of the petitioner.

2. It is stated in the petition for transfer and at the time of final hearing that the petitioner's family house is at Vennala in Ernakulam District, the petitioner is employed in a company at Bangalore and she has a mother and a boy aged 4 years. The company is at Bangalore which used to sent the petitioner to foreign countries where the employer company has got connections of works. Her mother is also residing along with her in Bangalore for looking after her child. It is submitted by the counsel for the petitioner that for every postings in the case the petitioner has to come all the way from Bangalore along with her mother and child, is difficult for her. Every time when she come from Bangalore she has to halt at Ernakulam by leaving the child in the family house. The petitioner has to spent a day more for halting at Ernakulam before leaving to Kollam, for the purpose of entrusting her small child to the members of her family. It is further stated in the petition that the conduct

of the case at Kollam Family court at this situation is most inconvenient and causing severe hardships to her. Since the petitioner is employed at Bangalore she finds it very difficult to go to Kollam after halting at Ernakulam . It is also stated that since the respondent is working at Riyadh the conduct of case either in Kollam or Ernakulam is more difficult to him.

3. The counsel for the respondent submitted that the respondent is at Riyadh and he is also in a difficult situation to attend the case and to conduct the same in Kerala . He requested this court to dispense with his personal appearance except for the counselling and examination during trial. The respondent is at liberty to move the Family Court Ernakulam stating reasons for dispensation of the respondent's personal appearance except for counselling and for his examination during trial. The Family court shall consider his request after taking into account his inability to attend the Family court on every postings. The Family court can look into the matter and make arrangements, so that the counselling can be arranged during his next arrival to Kerala.

4. The reasons stated for the transfer of the case from Kollam Family Court to Ernakulam Family Court is justifiable. For the reasons stated in the transfer petition the conduct of the case in the Family Court Ernakulam will be a great relief to the petitioner who have her family house

in Ernakulam. The respondent is also not prejudiced in any manner by the transfer of this case from Kollam to Ernakulam since he is working in Abroad.

5. In the result, I order transfer of O.P (HMA) 423/2006 from the Family Court Kollam to the file of the Family Court Ernakulam. The parties shall appear before the Family Court at Ernakulam on 6-12-2007 through their counsel. The Registry shall communicate the order immediately to both the Family courts.

**HARUN-UL-RASHID, JUDGE**

**es**